

**Board of Athletic Trainers  
Minutes**

**Date:** November 6, 2008

**Time:** 9:00 a.m., C.D.T.

**Location:** 227 French Landing  
Heritage Place, Metro Center  
Ground Floor, Iris Conference Room  
Nashville, TN 37243

**Member(s) Present:** Joseph T. Erdeljac, A.T., Chair,  
Monroe J. Abram, A.T., Vice Chair  
Janet Rasmussen-Wilbert, A.T.  
Kurt P. Spindler, M.D.

**Member(s) Absent:** Walter Fitzpatrick, III, Consumer Member

**Staff Present:** Marva Swann, Board Director  
Tomica Walker, Board Administrator  
Christopher Larkin, Assistant General Counsel  
Diona Layden, Assistant General Counsel  
Libby Miller, HRB Director  
Juanita Stone, BIV Disciplinary Coordinator  
Alison Cleaves, Deputy General Counsel

With a quorum being present, Mr. Erdeljac, Board Chair, called the meeting to order at 9:16 a.m. Mr. Larkin introduced Ms. Layden who will be replacing him as the Board's attorney.

**Conflict of Interest Policy**

Mr. Larkin presented the new Conflict of Interest Policy that went into effect November 1, 2008. Board members were asked to review and sign the policy paying particular attention to numbers six (6) and seven (7) which refer to their serving as an officer or in a policy making role in any trade or professional association while serving on the Board.

It was noted that there would be no conflict of interest to be a member of a trade or professional association as long as it was not in a policy making position. Members expressed concern that enforcement of the policy would eliminate from the Board some of the best persons to protect the public interest. Ms. Miller stated that a letter regarding an opinion of the policy could be addressed to her and she would submit it to the appropriate party.

**Office of General Counsel Report**

**Rules**

Mr. Larkin presented the rules amendments:

- 0150-.09 relating to license renewal and reinstatement
- 0150-1-.11 relating to retirement and reactivation of license
- 0150-1-.12 relating to continuing education was sent to the Attorney General's Office for review on January 11, 2008.

A roll call vote was taken on these amendments along with that the Economic Impact Statement and the Regulatory Flexibility Analysis were included. The motion carried with all members voting affirmatively.

### **Litigation**

The Office of General Counsel has no open cases pertaining to the Board of Athletic Trainers at this time.

### **Agreed Citation**

Alison Cleaves, OGC Deputy General Counsel, addressed the Board regarding the agreed citation as it would relate to a licensee practicing on a lapsed license.

Ms. Cleaves stated that she was not asking the Board to change their policy with regard to the lapsed license but wanted to clarify, that if the Board were to seek civil penalties for violations, this would be formal discipline, subject to reporting on the Department of Health website on the monthly Disciplinary Action Report (DAR). She asked that the Board enforce their policy by using the agreed citation rather than a demand letter as has been used in the past. The agreed citation is a legal document that would outline the licensee's rights and privileges under the law.

After discussion, Ms. Wilbert made a motion seconded by Mr. Abram to enforce the lapsed license policy by use of an agreed citation with the understanding that such action would be considered formal discipline reported on the website. The motion carried.

### **Investigative/Disciplinary Report**

Juanita Stone reviewed with the Board the number of complaints received and processed since the first of the year and the list of licensees who are being monitored for compliance with Board orders.

### **Applicant Interviews/File Reviews**

Jeffery Barnes – Mr. Barnes appeared before the Board to give an explanation of a misdemeanor conviction. After interview and discussion, Mr. Abram made a motion seconded by Dr. Spindler to approve Mr. Barnes for licensure. The motion carried.

Darcy Beck—Ms. Beck was not present. Her file was presented to the Board due to a misdemeanor conviction. Ms. Wilbert made a motion seconded by Dr. Spindler to defer action on Ms. Beck's application and request her appearance at the Board's next meeting. The motion carried.

James Elks—Mr. Elks was not present. His file was presented to the Board due to a misdemeanor conviction. Dr. Spindler made a motion seconded by Ms. Wilbert to defer action on Mr. Elks' application and request his appearance at the Board's next meeting.

Lisa Jass—Ms. Jass appeared before the Board for a review of her college transcript to determine if she had taken an athletic trainer curriculum pursuant to rule 0550-01-.05 (2) (b). She is certified by the National Athletic Trainers Association Board of Certification (NATABOC) and has practiced in the state of California which does not currently license athletic trainers. After review and discussion, a motion was made by Ms. Wilbert and seconded by Mr. Abram to approve Ms. Jass for licensure because she has met all requirements. The motion carried.

Jason Rath—Mr. Rath appeared before the Board due to a misdemeanor conviction. After interview and discussion, Ms. Wilbert made a motion seconded by Dr. Spindler to approve Mr. Rath for licensure. Mr. Erdeljac recused himself. The motion carried.

### **Administrator's Report**

Ms. Walker presented the administrator's report. As of October 31, 2008, there are 670 active licensees.

Licensure activity since the last board meeting of May 8, 2008:

- New licenses—60
- Reinstated licenses—2
- Retired licenses—6
- Failed to Renew—17

### **Continuing Education Audit**

Licensees are being audited for compliance for the years 2004 through 2007.

January 2008 through July 2008

- 27 audited
- 26 compliant
- 1 non-compliant

### **Board Members**

All positions are currently filled.

## Financial Report

The financial report for FY 2008 was presented with total revenue of \$41,719.00 and expenditures of \$39,301.00.

## Ratifications

Ms. Wilbert made a motion seconded by Dr. Spindler to approve the list of initial determinations for new licenses and reinstated licenses. The motion carried. (ATTACHMENT 1 & ATTACHMENT 2)

## Minutes

Ms. Wilbert made a motion seconded by Mr. Abram to approve the minutes of May 8, 2008 as presented. The motion carried.

## Application Review Process

Pursuant to rule 0150-01-.07 (2) initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator provided that final approval of the application is made and ratified by the Board. In no event may an application be denied without prior review by the Board. After discussion, Dr. Spindler made a motion seconded by Ms. Wilbert to authorize the Board administrator to continue sending temporary licenses with the stipulation that any problem files are to be reviewed by the Board prior to initial licensure. The motion carried.

## Rule Discussion

The Board discussed and considered a rulemaking hearing to clarify what is meant by "persons" pursuant to 63-24-100 (c) as it relates to assessing civil penalties against persons who have knowingly employed, contracted for or otherwise utilized unlicensed "persons in the practice of athletic training." The Board discussed defining the term "persons" as not only individuals but as corporations and institutions.

Mr. Abram made a motion seconded by Ms. Wilbert to table the matter until the next meeting when the language for these rules will be presented to the Board.

## Roll Call Vote

Ms. Layden presented the following rules for a roll call vote for which a rulemaking hearing was held on September 26, 2007:

- Rule 0150-1.09 as it relates to renewal and reinstatement
- Rule 0150-1-011 as it relates to retirement and reactivation of license
- Rule 0150-1-.12 as it relates to continuing education
- Economic Impact Statement

After discussion, it was decided that a roll call vote could not be taken as the Board wanted to redefine rule 0150-1-.12 as it relates to continuing education. The rule was at first drafted to be in line with the continuing education cycle of the NATABOC in which seventy-five (75) hours must be obtained every three (3) calendar years. The Board now wants the rule to state that fifty (50) hours of continuing education should be obtained every two (2) years for the purpose of auditing and to be more in line with other health related boards.

Ms. Layden is to inform the Board at its next meeting whether the rules as they stand can be amended and go forward or whether another rulemaking hearing must be held.

### **Adjournment**

There being no further business to discuss, Ms Wilbert made a motion to adjourn seconded by Mr. Abram. The motion carried. The meeting was adjourned at 11:30 a.m.

**These minutes were ratified at the May 21, 2009 meeting**

ATTACHMENT 1  
New Licenses  
May 1, 2008-October 31, 2008

<u>License Number</u>	<u>Name</u>
1238	John A. Angus
1223	Andrea Marchelle Bailey
1218	Brandy Reann Baldwin
1237	Andrew Joseph Bombardiere
1264	Crystal Looper Bowman
1201	Andrew Steven Braden
1227	Tracy Lauren Campbell
1235	Emily Elizabeth Carter
1232	Lori Renee Conklin
1243	Ryan Thomas Conners
1240	Jennifer Lynne Cook
1233	Kerri Lynne Cramer
1220	Casandra Nichole Dailey
1252	Autumn Lynnette Davis
1213	Barbara Victoria Edwards
1250	Robert Allan Eldredge
1217	Katherine Emily Emert
1234	Justin Duane Emmons
1229	Scott Donald Ensell
1226	Christopher David Fett
1211	Jacob Ryan Fox
1255	Lindsey Elizabeth Guerra
1212	Nathan Kyle Heady
1254	Carrie Christine Joyner
1219	Alan Wade Killingsworth
1202	Matthew Theodore Klinger
1244	Elizabeth Lindsay Landrum
1214	Joshua James Leek
1193	Adam Andres Lewis
1106	Trevor Wen Ling
1216	Ann Lorraine Livengood
1210	Melanie Frances Lynn
1208	Daniel Carlisle Maclea IV
1245	Matthew Edward McGraw
1215	Cynthia Elaine Miller
1230	Brianna Danielle Molloy
1222	Daniel Perry Morrison
1228	Jessica Lynn Murdock
1241	Katherine Anne Parsons

ATTACHMENT 1  
New Licenses  
May 1, 2008-October 31, 2008

<u>License Number</u>	<u>Name</u>
1231	Ryan Brett Pendleton
1224	Casey Lee Riley
1256	Tiffany Danielle Schroeder
1097	Christopher Bernard Simmons
1206	Michael G. Steele
1253	Julie Ann Strey
1247	Jessica Lynn Tanner
1205	Dawn Marie Thomas
1242	Danielle Marie Thorsen
1263	Michelle Marie Tropeano
1236	Marquis Terrell Tyus
1209	Katherine Anne Upchurch
1204	Jonathan Adam Vieira
1207	Kai Donelle Washington
985	Meredith Dawn Watkins ATC
1200	Ashley Nicole White
1248	Tetsuo Yamanaka
1251	Brian Ashley Zolner

Reinstated Licenses  
May 1, 2008-October 31, 2008

<u>License Number</u>	<u>Name</u>
684	Mary Michelle Edwards
741	Karen Lemar Siegfried

ATTACHMENT 2  
Reinstated Licenses  
May 1, 2008-October 31, 2008

License Number

684

741

Name

Mary Michelle Edwards

Karen Lemar Siegfried